

ITEM:	
SUBJECT:	Joe Silveira, Merced County
BOARD ACTION:	<i>Consideration of an Administrative Civil Liability Order (ACLO)</i>
BACKGROUND:	<p>Joe Silveira (“Silveira” or “Discharger”) owns 37 acres of agricultural land in Merced County, identified as Assessor’s Parcel Numbers (APNs) 056-141-008 and 056-300-006.</p> <p>On 13 May 2013, Silveira enrolled these two parcels in the East San Joaquin Water Quality Coalition (Coalition), thereby becoming subject to the Waste Discharge Requirements for Growers within the Eastern San Joaquin River Watershed (Order R5-2012-0116-R3 or East San Joaquin Order).</p> <p>The East San Joaquin Order requires that all members complete a Farm Evaluation describing management practices implemented to protect surface and groundwater quality. The Discharger’s first Farm Evaluation for the 2013 growing season was due on 1 May 2014; and Farm Evaluations for the 2014 and 2015 growing seasons were due on 1 March 2015 and 1 March 2016, respectively.</p> <p>From January to July 2014, the Coalition sent Farm Evaluation-related outreach materials that urged the Discharger to submit the 2013 Farm Evaluation. These materials included an early notice letter, a newsletter, a Farm Evaluation template and directions for completion, a “past due” postcard, and a “final notice” postcard. Despite the Coalition’s efforts, the Discharger did not submit the 2013 Farm Evaluation.</p> <p>From December 2014 to May 2015, the Coalition sent outreach materials that urged the Discharger to submit the 2014 Farm Evaluation. These materials included an early notice letter, a “past due” postcard, and a “final notice” letter. The Discharger did not submit the 2014 Farm Evaluation.</p> <p>From December 2015 to May 2016, the Coalition sent outreach materials that urged the Discharger to submit the 2015 Farm Evaluation. These materials were the same as those for the previous year: an early notice letter, a “past due” postcard, and a “final notice” letter. The Discharger did not submit the 2015 Farm Evaluation.</p> <p>On 22 February 2016, the Assistant Executive Officer to the Central Valley Water Board sent the Discharger a Notice of Violation (NOV) via certified mail for failure to submit the 2014 Farm Evaluation. The NOV urged the Discharger to submit the evaluation to the Coalition and warned that failure to do so may result in enforcement action by the Central Valley Water Board.</p> <p>On 23 August 2016, and after receiving an ACL Complaint (see details below), the Discharger submitted the 2013, 2014, and 2015 Farm Evaluations to the Coalition. This action brought Silveira into compliance with the East San Joaquin Order.</p>
ADMINISTRATIVE CIVIL LIABILITY COMPLAINT	<p>On 8 August 2016, the ACL Complaint was issued by the Assistant Executive Officer in the amount of \$70,980, based on the State Water Board’s Enforcement Policy. The ACL Complaint alleges the Discharger failed to submit the 2013, 2014, and 2015 Farm Evaluations as required by the East San Joaquin Order.</p> <p>The maximum penalty for the alleged violation is \$1,516,000. The minimum penalty recommended by the Enforcement Policy is the economic benefit plus 10 percent, which amounts to \$1,033. The Enforcement Policy’s penalty calculation methodology resulted</p>

	in a liability of \$70,980, and this is the amount of administrative civil liability proposed by the Prosecution Team.
ISSUES:	There are no known issues, as the Discharger did not submit evidence in this case.
ACLO RECOMMENDATION:	The Prosecution Team recommends that the Board adopt the Administrative Civil Liability Order for \$70,980 as proposed.

Mgmt. Review SYM
Legal Review KE

5/6 December 2016 Board Meeting
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114